

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

THOMAS J. PARIS,
Plaintiff,

v.

CAPTAIN EASON, et al.,
Defendants.

:
:
:
:
:
:
:

CIVIL ACTION NO. 20-CV-4071

ORDER

AND NOW, this 15th day of October, 2020, upon consideration of Thomas J. Paris's Motion to Proceed *In Forma Pauperis* (ECF No. 4), Prisoner Trust Fund Account Statement (ECF No. 5), and *pro se* Complaint (ECF No. 1), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. Thomas J. Paris, #NH-8286, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Superintendent of SCI Chester or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Paris's inmate account; or (b) the average monthly balance in Paris's inmate account for the six-month period immediately preceding the filing of this case. The Superintendent or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Paris's inmate trust fund account exceeds \$10.00, the Superintendent or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to

Paris's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.

3. The Clerk of Court is directed to **SEND** a copy of this Order to the Superintendent of SCI Chester.

4. The Complaint is **DEEMED** filed.

5. Paris's Complaint is **DISMISSED WITHOUT PREJUDICE** for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). The dismissal of Paris's damages claims is without prejudice to Paris filing a new case reasserting those claims only in the event he successfully challenges the underlying calculation of his sentence. The dismissal of Paris's request for vacatur of his sentence as calculated is dismissed without prejudice to him proceeding in his pending habeas case.

6. The Clerk of Court shall **CLOSE** this case.

BY THE COURT:

/s/ Gerald Austin McHugh

GERALD A. McHUGH, J.